



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 10, 2002

OFFICE OF  
ENVIRONMENTAL INFORMATION

James F. Nolan  
Senior Vice President  
Fibre Box Association  
2850 Golf Road  
Rolling Meadows, IL 60008

Dear Mr. Nolan:

This letter responds to your April 30, 2002, letter requesting guidance regarding the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, you are asking for guidance about applying the articles exemption to the manufacture of corrugated paperboard and corrugated paperboard used to manufacture other corrugated products.

In your letter you explain that corrugated paperboard is produced by combining rolls of linerboard and medium into a corrugator. The corrugator forms the medium into a fluted shape and sandwiches it between two sheets of linerboard. The sheets and medium are then glued together. The combined board is then dried and cut into sections. Sometimes anti-skid or other coatings are applied to the surface of the board. The combined board is either sold to other facilities for processing or further processed in house. In either case, the processing consists of cutting, scoring, printing, folding, gluing, etc. the combined board into corrugated products such as boxes, sleeves, partitions, display stands, etc. The corrugated combined board is sometimes coated with wax or other materials. You stated in two follow up telephone conversations that the linerboard and medium come to your facilities from offsite and the initial thickness of the these materials is not changed during the manufacturing process. You further stated that any scraps generated from cutting the paperboard is sent offsite for recycling.

As you are aware, listed toxic chemicals contained in articles that are processed or otherwise used at a covered facility are exempt from threshold determinations and release and other waste management calculations. (40 CFR section 372.38(b); *see also*, Directive #1 - Article Exemption, Appendix A, 1998 EPCRA Section 313 Questions and Answers document, December 1998, EPA 745-B-98-004). As stated in the directive, the articles exemption applies

when the facility receives the article from another facility. The exemption only applies to the quantity of the toxic chemical present in the article. If the toxic chemical is manufactured, processed, or otherwise used at the covered facility other than as part of the article, in excess of an applicable threshold quantity, the facility is required to report for those non-exempt quantities. However, for a toxic chemical in an item to be exempt as part of an article, the item must meet all of the following three criteria in the Section 313 article definition; that is, the item must be one:

- i) that is formed to a specific shape or design during manufacture;
- ii) that has end use functions dependent in whole or in part upon its shape or design; and
- iii) that does not release a toxic chemical under normal circumstances of processing or otherwise use of the item at the facility.

If, as a result of processing or otherwise use, an item retains its initial thickness or diameter, in whole or in part, it meets the first criterion of the article definition. If the item's basic dimensional characteristics are totally altered during processing or otherwise use, the item does not meet the first criterion of the article definition. Further, in considering the applicability of the articles exemption, you should note that any processing or otherwise use of an article that results in a release negates the exemption. Cutting, grinding, or other processing of a manufactured item could result in a release of a toxic chemical during normal conditions of processing or otherwise use and, therefore, negate the exemption as an article. However, if the processing or otherwise use of all like manufactured items at a facility results in a total release of 0.5 pound or less of a toxic chemical in a reporting year, EPA will allow this release quantity to be rounded to zero and the manufactured items will remain exempt as articles. Further, if all of the releases of like articles over a reporting year are completely captured and sent for recycling or reuse on-site or off-site, the items may remain exempt as articles.

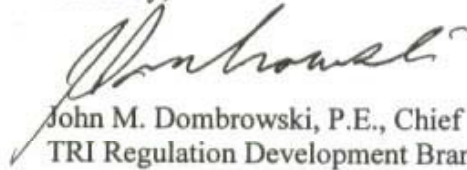
Based on the information provided in your letter and the follow up telephone conversations, it appears that the linerboard and medium used to make corrugated paperboard and other corrugated products may qualify as articles. You state that the linerboard and medium are manufactured to a specific shape or design that is critical in the manufacture of corrugated paperboard. The processing of these items, as described in your letters, does not result in a total altering of the initial thickness of the items. Further, the paperboard scraps that result from cutting are recycled. Accordingly, based on these facts, it appears that the linerboard and medium meet the criteria of an article and, therefore, the toxic chemicals contained in these items would be exempt from threshold determinations and release and other waste management calculations.

It is important to remember that the articles exemption does not apply to the manufacture of articles. Certain components (*e.g.*, linerboard and medium) of a manufactured item, however, may be eligible for the exemption during the assembly process if they meet the three criteria of an article while other components (*e.g.*, glue) of the same item may not be eligible. The glue

applied to the linerboard and medium would not be eligible for the exemption because it is a liquid when applied and, therefore, does not meet the article criteria. (See 40 CFR § 372.3)

I hope this information is helpful to you in understanding the reporting requirements of section 313 of EPCRA. If you have any other questions, or desire further information, please call Marc Edmonds, of my staff, at 202-566-0758.

Sincerely,



John M. Dombrowski, P.E., Chief  
TRI Regulation Development Branch

cc: Amber L. Aranda  
Richard G. Stoll  
Dr. Sergio Galeano